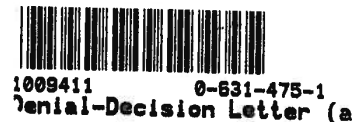


# **EXHIBIT 16**



National Board of Medical Examiners®  
3750 Market Street  
Philadelphia, PA 19104-3102  
215.590.9500



**CONFIDENTIAL**

March 13, 2006

Richard Denis Katz  
9050 Union Turnpike Apt 18-H  
Glendale, NY 11385

RE: USMLE Step 2 CK & CS

USMLE ID#: 0-631-475-1

Dear Dr. Katz:

We have carefully reviewed your request for test accommodations for the **United States Medical Licensing Examination (USMLE) Step 2 Clinical Knowledge (CK) and Clinical Skills (CS)** and accompanying material in accordance with USMLE guidelines for examinees with disabilities and within the framework of the Americans with Disabilities Act (ADA). We consulted experts in the fields of Learning Disability and Mental Disorders to assist us in reviewing the documentation.

Accommodations are intended to provide equal access to the USMLE testing program for individuals who are covered under the Americans with Disabilities Act (ADA). A diagnostic label, in and of itself, does not establish coverage under the ADA. Prior receipt of accommodations for a particular activity does not guarantee that identical accommodations are indicated or will be available in all future settings and circumstances. Regulatory decisions and case law have established that the ADA covers individuals who are substantially limited in a major life activity as the result of a disability. Determination of whether an individual is substantially limited in functioning as compared to most people is based on assessment of the current impact of the identified impairment.

By definition, ADHD affects people over time and across situations in multiple domains, not in one circumscribed area such as test taking. The impact of the disorder needs to be evident in real world functioning and result in developmentally deviant impairment in at least two domains. Your documentation does not suggest significant and persistent functional impairment over time and across situations, nor does it demonstrate that you were significantly limited in the ability to handle normal developmental, academic and social tasks. To the contrary, the documentation you submitted indicates that you progressed through

elementary and grade school, earned a Bachelor's degree, and earned a MD degree, all apparently without accommodations.

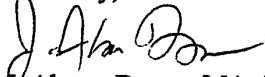
Furthermore, you provided little objective evidence or data indicating that you are currently functionally impaired to a degree that would rise to the level of a disability. No documentation was provided via faculty/supervisor comments, job performance evaluations, or through other sources of information verifying that you have shown significant impairment in one or more major life activities. The conclusions of your evaluators notwithstanding, the developmental evidence and current pattern of test results provided in your documentation offers little evidence to support the conclusion of significant impairment in one or more major life activities due to inattention, hyperactivity, and/or impulsivity.

Although your evaluators indicate that you are currently diagnosed with an anxiety and a depressive disorder, your documentation contains no evidence that these conditions impair your day to day functioning to a degree that would rise to the level of a disability. Performance on standardized tests and attending medical school are not defined by the law or accompanying regulations as major life activities. Working harder than others and performing below one's expectations on standardized examinations in a competitive academic environment are highly subjective judgments that even if possible to quantify, are not reflective of impaired functioning.

Therefore, after a careful review of all of your documentation, I must inform you that we are unable to provide you with the requested accommodations.

We will advise Applicant Services to process your exam application without test accommodations. You may inquire at [usmlereg@nbme.org](mailto:usmlereg@nbme.org) or call Applicant Services directly at (215) 590-9700 with any questions about your scheduling permit.

Sincerely,



J. Abram Doane, MA, JD  
Manager, Disability Services  
ADA Compliance Officer, Testing Programs

JAD/geb

Disability Services  
215-590-9509  
215-590-9422 (Fax)

Consult